

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 SY-10 USSS-00 CPR-02 CIAE-00 DODE-00 PM-07

H-03 INR-10 NSAE-00 NSC-10 PA-04 PRS-01 SPC-03 SS-20

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TO SECSTATE WASHDC 1198

C O N F I D E N T I A L USUN 4849

E.O. 11652: GDS

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS--
LIBERATION MOVEMENTS EXCEPTION

1. GONZALEZ GALVEZ (CHAIRMAN) CONVENED SECOND INFORMAL MEETING PM NOV 16 OF DELS FROM CAR, IRAQ, NIGERIA, FRANCE, KENYA, MALI, USSR, UK, US AND YUGOSLAVIA TO DISCUSS MATTER FURTHER.

2. GONZALEZ GALVEZ ASKED MALI DELEGATION TO EXPLAIN ADDITIONAL DETAILS CONCERNING PURPOSE OF PROPOSAL. AS RESULT OF DISCUSSION THAT FOLLOWED IT BECAME CLEAR THAT WHAT AFRICANS WANTED WAS A CONVENTION THAT ALL PARTIES WOULD AGREE WOULD NOT BE APPLICABLE TO ACTIVITIES OF NATIONAL LIBERATION MOVEMENTS. UK AND US DELOFF EXPLAINED IT UNACCEPTABLE THAT AFRICANS SHOULD EXPECT OTHER COUNTRIES TO ASSUME SUCH OBLIGATIONS. THEY SUGGESTED THAT LEGITIMATE CONCERNS OF AFRICANS COULD BE MET BY SELECTION OF ARTICLES TO WHICH THEY COULD MAKE RESERVATIONS UNDER WHICH THZY WOULD BE RELIEVED FROM OBLIGATIONS COOPERATE WITH COUNTRIES SUCH AS SOUTH AFRICA.

3. AT CONCLUSION OF DISCUSSION CHAIRMAN PUT FORTH SIX
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FORMULAS THAT HAD BEEN ADVANCED AND ASKED PARTICIPANTS

REFLECT ON THOSE FORMULAS OVER WEEKEND AND MEET AGAIN PM
MONDAY NOV 19. CHAIRMAN'S ALTERNATIVES FOLLOW:

ALTERNATIVE A--"NOTHING IN THIS CONVENTION SHALL
BE CONSTRUED AS PREJUDICING IN ANY MANNER THE RIGHT OF
PEOPLES UNDER THE RELEVANT PROVISIONS OF THE CHARTER OF
THE UNITED NATIONS AS DEVELOPED IN THE DECLARATION ON
FRIENDLY RELATIONS IN THEIR STRUGGLE AGAINST COLONIALISM,
FOREIGN OCCUPATION, RACIAL DISCRIMINATION AND APARTHEID."

ALTERNATIVE B--INCORPORATE IN CONVENTION OF
PREAMBULAR PARA "AFFIRMING THE LEGITIMACY OF THE STRUGGLE
AGAINST COLONIALISM, FOREIGN OCCUPATION, RACIAL DISCRIMINA-
TION AND APARTHEID IN THE EXERCISE OF THE RIGHTS OF PEOPLES
TO SELF-DETERMINATION AND INDEPENDENCE IN ACCORDANCE WITH
THE CHARTER."

ALTERNATIVE C--INCLUDE IN THE CONVENTION AN ARTICLE
SPECIFYING THE OTHER ARTICLES ON WHICH RESERVATIONS COULD
BE MADE.

ALTERNATIVE D--ALTERNATIVE C PLUS THE INCLUSION OF
A CLAUSE IN THE PREAMBLE AFFIRMING "THAT THE RULES OF
CUSTOMARY INTERNATIONAL LAW WILL CONTINUE GOVERN QUESTIONS
NOT REGULATED BY THE PROVISIONS OF THE PRESENT
CONVENTION."

ALTERNATIVE E--ADOPTION BY THE GENERAL ASSEMBLY
OF THE CONVENTION BY A RESOLUTION WHICH WOULD INCLUDE A
PARAGRAPH INCORPORATING THE IDEAS CONTAINED IN THE AFRICAN
AMENDMENT DEHORS THE CONVENTION (PROPOSED BY USSR).

ALTERNATIVE F--ALTERNATIVE A WITH THE REFERENCE TO
THE FRIENDLY RELATIONS DECLARATION REPLACED
BY THE SUBSTANCE OF PARA 3 OF GENERAL ASSEMBLY RESOLUTION
3034 ON TERRORISM (PROPOSED BY NIGERIA).

4. COMMENT: WE REGARD ALTERNATIVES A, B, AND F AS UN-
ACCEPTABLE; ALTERNATIVE E AS INTERESTING DEPENDING ON
WORDING OF RES; AND ALTERNATIVES C AND D ACCEPTABLE
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PROVIDED ARTICLES 1, 2 AND 6 ARE NON-RESERVABLE. IF
PROPOSAL MADE DELETE ARTICLE 6 FROM NON-RESERVABLES,
WE WILL SOUND OUT OTHER WEOS AND REPORT RESULTS TO DEPT.
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